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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,968

Applicant(s)

GAO, ZHENYU

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-12 are pending.
2. Response to restriction requirement filed 03/21/2005 has been received.

***Election/Restrictions***

3. Applicant chose "Species I, claims 1-9" however, a restriction based on subcombinations usable together was made. It will be assumed Applicant elected Group I.
4. Applicant's election of Group I (claims 1-9) in the reply filed on 03/21/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
5. Non-elected claims 10-12 should be canceled.

***Priority***

6. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on 09/29/200 and 05/30/2001. It is noted, however, that applicant has not filed a certified copy of the 2000-299305 and 2001-161754 applications as required by 35 U.S.C. 119(b).

***Drawings***

7. The drawings are objected to because no description of Figure 1 is found in the specification.

8. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to because figure 4 should have descriptive identifiers. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be

Art Unit: 2137

removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

10. The disclosure is objected to because of the following informalities: on pages 4-5, 10 "Message Authentication Cord" should read "Message Authentication Code" and on page 6 line 16 "real-tim-chech" should read "real-time-check".

Appropriate correction is required.

11. The abstract of the disclosure is objected to because it is longer than the maximum 150 words. Correction is required. See MPEP § 608.01(b).

Art Unit: 2137

*Claim Objections*

12. Claims 1-9 are objected to because of the following informalities: claim 1: line 6 "illegally" should be "illegal" and "access as well as firewall" would read more clearly as "access as well as through a firewall" line 8 "means for checking and decrypting and sending" should be "means for checking, decrypting and sending" line 10 "un-illegally" should be "legally" line 12 "said web-file to said safe-web-file" would read more clearly as "said web-file to create said safe-web-file" line 14 would read more clearly if "and" was replaced with "as" line 15 would read more clearly if "out" was removed.

Claim 3: "real\_tim\_check" should be "real\_time\_check". Claim 4: "Massage Authentication Cord" should be "Message Authentication Code", "generated authentication checking" would read more clearly as "generated by checking", "though a means of avoiding illegally access as well as firewall" would read more clearly as "through a means of avoiding illegal access as well as through a firewall", "requestion" should be "request", "added with avoiding" should be "added with an avoiding" "Message Authentication Cord" should be "Message Authentication Code", "a separate head information" should be "separate header information", "requestion" should be "request", "un-illegally" should be "legally", "said head information" should be "said

Art Unit: 2137

header information". Claim 6: "real\_tim\_check" should be "real\_time\_check". Claim 7: "prohibit illegally alter header's information" should be "prohibit illegally alter header information", "Message Authentication Cord" should be "Message Authentication Code", "location at harddisk" should be "location on a hard disk" "avoiding illegally access as well as firewall" should be "avoiding illegal access as well as through a firewall", "requestion" should be "request", "added with avoiding" should be "added with an avoiding", "Message Authentication Cord" should be "Message Authentication Code", "requestion" should be "request", "un-illegally" should be "legally", "said head information" should be "said header information" "said safe-web-file and change to said web-file" would be more clear as "said safe-web-file to change said safe-web-file to said web-file". Claim 9: "real\_tim\_check" should be "real\_time\_check".

Any claim not specifically address is objected to by virtue of its dependency.

Appropriate correction is required.

13. The Examiner has pointed out a number of errors however, Applicant is encouraged to fix any informalities not specifically addressed.

Art Unit: 2137

***Claim Rejections - 35 USC § 112***

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

16. Claim 1 recites the limitation "the safe-web-file", "the usual web-files", "said altered safe-web-file". There is insufficient antecedent basis for this limitation in the claim.

17. Claim 3 recites the limitation "real\_tim\_check". There is insufficient antecedent basis for this limitation in the claim.

18. Claim 4 recites the limitation "the web-files" "said requested safe-web-file" "said header information" "said respective web-file" "said altered safe-web-file". There is insufficient antecedent basis for this limitation in the claim.

19. Claim 7 recites the limitation "said requested safe-web-file" "said safe-web-file" "said respective web-file". There is insufficient antecedent basis for this limitation in the claim.

20. Claim 1 recites the limitations "said usual web-file" and "said safe-web-file", however there is only mention of "safe-



Art Unit: 2137

web-files" and "usual web-files" so it is unclear to what the first phrases are referring to.

21. Claim 4 recites the limitation "which is sent back from said safe-web-file to said user," it is unclear how the safe-web-file would send a web-file to the user.

22. Claim 5 recites the limitation "encryption/decryption" however no decryption is done in claim 4 which it depends upon.

23. Claim 7 recites the limitation "which is sent back from said safe-web-file to said user," it is unclear how the safe-web-file would send a web-file to the user.

24. Claim 1 recites the limitation "deciphered" when nothing is ciphered, it should be "decrypted".

25. Any claims not specifically addressed are rejected based upon their dependencies.

#### ***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2137

27. Claims 1-2 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Groshon et al (US 6351811) above, further in view of Bianco (EP 0467239) and further in view of Blickenstaff et al (US 5537585).

As per claim 1, Groshon et al discloses a computer retaining web-files; an original-web-server which retains the usual web-files (original web-files) and connects the public-web-server computer through a means of avoiding illegal access; means for checking and sending files when a user request is received and the file is legally altered (see column 4 lines 47 through column 5 line 9). Groshon et al teaches the use of a firewall in column 4 and it would have been obvious at the time of the invention to one of ordinary skill in the art to use a firewall between the public and original server. Motivation to do so would have been to provide protection to the server.

Groshon et al fails to disclose the public-web-files being encrypted and an automatic recovery system.

However, Bianco teaches encryption (see Abstract) and Blickenstaff et al teaches automatic recovery system (see column 3 lines 22-44).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Bianco's encryption

Art Unit: 2137

and Blickenstaff et al's automatic recovery system in the protection system of Groshon et al.

Motivation to do so would have been protect the files from unauthorized modification (see Abstract) and to provide disaster recovery (see column 3 lines 22-44).

As per claim 2, the modified Groshon et al, Bianco, and Blickenstaff et al system discloses chaos encryption (see Abstract of Bianco).

28. Claims 3-9 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Groshon et al, Bianco, and Blickenstaff et al system as applied to claim 1 above, further in view of Menezes et al (Handbook of Applied Cryptography) and further in view of Thomson (US 5276874).

As per independent claims 4 and 7, the modified Groshon et al, Bianco, and Blickenstaff et al system discloses the limitations as in claim 1, but fails to disclose the files further including a header which includes a MAC and properties including name, size, date, and location.

However, Thomson teaches a header with the claimed properties (see column 2 lines 23-34) and Menezes et al teaches a MAC (see page 323).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Thomson's header in

Art Unit: 2137

the modified prevention system of Groshon et al, Bianco, and Blickenstaff et al and to include Menezes et al's MAC using the Chaos encryption key as the key in Menezes et al's MAC in the header.

Motivation to do so would have been to store information relating to a file and to ensure the integrity of the file.

Claims 3, 5-6, and 8-9 are similarly rejected as to claims above.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scott (US 20010044820 teaches detecting changes in web pages, Stephenson et al (US 20020023143) teaches a firewall with a server with header information, and Belu (US 20020033762) teaches a header with various properties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be

Art Unit: 2137

reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP



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